

## REMARKS

In accordance with the foregoing, claims 5, 8, and 17 are amended. Claims 1-17 are pending and under consideration.

## CLAIM AMENDMENTS

Claims 5, 8, and 17 are amended for form and to correct informalities. No new matter is presented by the claim amendments and accordingly, entry and approval of same are respectfully requested.

None of the amendments of claims 5, 8, or 17 narrows the scope of the claims within the meaning of *Festo Corp. v. Shoketsu Kinszoku Kogyo Kabushiki Co., Ltd* (SUPREME COURT RULING, July 12, 2002).

## PAGE 4: ALLOWABLE SUBJECT MATTER

Claims 3 and 4 are allowed. (Action at page 4).

Claims 8 and 17 are indicated to be allowable if rewritten or amended to overcome the 35 U.S.C. §112, second paragraph rejection. (Action at page 4). This rejection is addressed below, and claims 8 and 17 are also amended herein.

The Examiner indicates that:

(c)laims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this Office action and to include all the limitations of the base claim and any intervening claims.

Applicant appreciates the indications of allowable subject matter. Claims 9 and 10 are not rewritten to independent form, since patentability is submitted to reside in the independent claim 8, amended herein, from which claims 9 and 10.

## PAGE 2: REJECTION OF CLAIMS 5-10, AND 17 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner rejects claims 5-10, and 17 under 35 U.S.C. §112, second paragraph contending the claims are indefinite. (Action at page 2).

The Examiner contends that in claim 5, line 6 "the recited phrase "each end" is indefinite since each elastic support member has two ends." (Action at page 2).

The Examiner contends the same with respect to claim 8, lines 6 and 8. (Action at page 2). Applicants submit that the phrase --a distance from a center of rotation of the blade to each end--, recited in claims 5 and 8, is not indefinite since the term --each end-- as understood in the art defines each of two ends.

The Examiner contends that in claim 17, lines 6-13:

no length relationship between the distance from a center of rotation of the blade to an end of each of the plurality of the elastic support members and the first and/or second distances is seen.

Applicants submit that the phrase recited in claim 17, as amended, that:

each distance from a center of rotation of the blade to an end of each of the plurality of elastic support members in a first group is substantially equal

recites a "length relationship" between a center rotation of the blade and an end of each of the plurality of elastic support members in a first group." This phrase does not recite a relationship with a first distance or a second distance, and Applicants submit claim 17 is definite.

Independent claims 5, 8, and 17 are amended herein for form, however, and Applicants respectfully submit that claims 5-10, and 17, are definite and comply with 35 U.S.C. §112, second paragraph and request withdrawal of the rejection.

**ITEM 2: REJECTION OF CLAIMS 1-2, 5-7, AND 11-16 UNDER 35 U.S.C. §102(a) AS BEING ANTICIPATED BY OHNO (U.S.P. 6,532,118)**

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Ohno does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims.

**Member Of Pair Of Elastic Support Members Arranged To Face Another Member Of Pair With Respect To Center Of Rotation Of Blade Not Described By Ohno**

**Distances Between Elastic Support Members In Respective Pairs Are Substantially Equal Not Described By Ohno**

Independent claim 1 recites that a member of the pair of elastic support members is arranged to face another member of the pair with respect to a center of rotation of the blade, and distances between the elastic support members in respective pairs are substantially equal.

Ohno does not teach any relationship, whatsoever, between members of pairs of elastic support members and a center of rotation of a blade. In fact, Ohno does not use the term "center of rotation" at all. Ohno does not describe any distance relationship between elastic support members in respective pairs, let alone, that distances between members are substantially equal.

The Examiner contends that claim 1:

inherently read(s) on Ohno . . . The arrangement of the elastic support members with respect to the center of rotation of the blade, as now recited in claim 1, though not specifically disclosed, is clearly illustrated in Fig. 6 of Ohno through symmetry and balance characteristics. For smooth and accurate performance, especially focusing performance, these characteristics are critical.

(Action at page 3, emphasis added).

Applicants submit that the Examiner's contention is not supported. Further, the Examiner has not established inherency, since:

(i) inherency, however, may not be established by probabilities or possibilities. The

mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

### **Conclusion**

Since Ohno does not describe features recited in independent claim 1, and claim 2 dependent thereon, the rejection should be withdrawn and claims 1-2 allowed.

**Distance From Center Of Rotation Of Blade To Each End Of Each Of Plurality Of Elastic Support Members Is Substantially Equal Not Described By Ohno**

**Deformation Ability of Each Of Plurality of Elastic Support Members Arranged In Pairs Is Substantially Equal Not Described By Ohno**

Independent claim 5, as amended, recites that a distance from a center of rotation of a blade to each end of each of plurality of elastic support members is substantially equal.

Dependent claim 7 recites that a deformation ability of each of the plurality of elastic support members arranged in pairs is substantially equal.

The Examiner contends that:

(w)ith respect to claim 5, the equal distance from the center of rotation of the blade to each of the elastic support members is inherently taught in Fig. 6 of Ohno. . . . The equal deformation ability . . . inherently reads on Fig. 6 of Ohno.

(Action at page 3).

Ohno does not teach any distance relationship between an end of a elastic support member and a center of rotation, whatsoever, let alone an equal distance, for each member. In addition, as submitted above, the Examiner's contention of inherency is not supported.

### **Conclusion**

Since Ohno does not describe features recited in independent claim 5, and claims 6-7 dependent thereon, the rejection would be withdrawn and claims 5-7 allowed.

**Elastic Support Members With Fixed Position Of Each Substantially Located On An Imaginary Circle Having A Center On An Axis Of Rotation Of A Blade Not Described By Ohno**

Independent claim 11 recites a fixed position of each of a plurality of elastic support members substantially located on an imaginary circle having a center on an axis of rotation of a blade.

The Examiner contends that the imaginary circle is " inherently read on Fig. 6 of Ohno." (Action at page 3).

Ohno does not teach any positional or geometrical relationship of elastic support members, whatsoever, let alone a fixed position of each on an imaginary circle having a center on an axis of rotation of a blade. In addition, as submitted above, the Examiner's contention of inherency is not supported.

### **Conclusion**

Since Ohno does not describe features recited in independent claim 11, and claims 12 dependent thereon, the rejection would be withdrawn and claims 11-12 allowed.

#### **Elastic Support Members Each Deformed Substantially Equal Amount During Movement Of Blade Not Described By Ohno**

Independent claim 13 recites that a plurality of elastic support members are each deformed a substantially equal amount during a movement of a blade.

The Examiner contends that that the "equal deformation ability . . . inherently reads on Fig. 6 of Ohno." (Action at page 3).

Ohno does not teach any deformation characteristics of elastic support members, whatsoever, let alone that such a deformation is equal for members. In addition, as submitted above, the Examiner's contention of inherency is not supported.

### **Conclusion**

Since Ohno does not describe features recited in independent claim 13, and claim 14 dependent thereon, the rejection would be withdrawn and claims 13-14 allowed.

#### **Elastic Support Members Each Having Substantially Same Amount Of Tensile Force During Movement Of Blade Not Described By Ohno**

Independent claim 15 recites that elastic support members each have a substantially same amount of tensile force during a movement of the blade.

The Examiner contends that the equal amount of tensile force inherently reads on Fig. 6 of Ohno." (Action at page 3).

Ohno does not teach any characteristics of elastic support members, whatsoever, let alone that members have substantially a same amount of tensile force during a blade movement. In addition, as submitted above, the Examiner's contention of inherency is not supported.

### **Conclusion**

Since Ohno does not describe features recited in independent claim 15, and claim 16 dependent thereon, the rejection would be withdrawn and claims 15-16 allowed.

### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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